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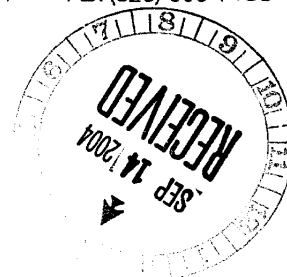


# City of South Hutchinson

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September 10, 2004

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001



RE: Surface Transportation Board Docket No. AB-6 (Sub-No. 406X); The Burlington Northern and Santa Fe Railway Company (BNSF) Abandonment of the South Hutchinson, Reno County, KS Trackage Located in Reno County, Kansas.

Request for Extension:

Dear Secretary William,

On February 25, 2004, the City of South Hutchinson, KS (the City), filed a request for the issuance of a notice of interim trail use (NITU) for the subject line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), in order to negotiate with BNSF for acquisition of the right-of-way for use as a trail. The City submitted a statement of willingness to assume financial responsibility for the management of, for any legal liability arising from the transfer of use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against, the right-of-way, and acknowledged that the use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation for rail service, as required at 49 CFR 1152.29. In a response submitted on March 25, 2004, BNSF states that it supports the issuance of a NITU.

On April 5, 2004, The Surface Transportation Board exempted the abandonment of the line described above to the extent necessary to implement interim trail use/rail banking, for a period of 180 days commencing from the April 10, 2004 effective date of the exemption (until October 7, 2004), and subject to the condition that BNSF provide NGS with 90 days' notice before beginning salvage activities in order to plan the relocation of the six geodetic station markers that may be affected by the abandonment.

The City of South Hutchinson, Kansas respectfully requests an extension to negotiate our agreement for interim trail use/rail banking for an additional 180 days from October 7, 2004.

If additional information is required, please don't hesitate to contact me.

The City of South Hutchinson, Kansas

Signed, Donald Gotschalk, City Attorney

Enclosure:

CC: The BNSF  
Mr. Rich Batie, Mgr. Shortline Development  
2600 Lou Menk Drive, 2<sup>nd</sup> Floor  
Fort Worth, TX 76131

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